

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

Roger Havens
Plaintiff

CASE NO. _____

Tallahatchie County et. al., Sup.
Sheriff's Department William L. Brewer
Timothy Cole Pete Griffin
Benji McKinney
Melinda Morgan
Steve Simmons

Defendant

PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

Roger Wayne Havens

B. Name under which sentenced:

Roger Wayne Havens

C. Inmate identification number:

MDOC# 207382

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

P.O. Box 88550 C-2 D-zone Bld-20
Pearl, Ms 39288

E. Place of confinement:

Central Mississippi Correction Facility

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

William L. Brewer

Title (Superintendent, Sheriff, etc.):

Sheriff of Tallahatchie County at time of occurrence

Defendant's mailing address (street or post office box number, city, state, ZIP)

Hwy 32 EastOakland, Ms 38948

ND MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

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Name:

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or post office, box number, city, state, ZIP)

Timothy Cole
Deputy Sheriff of Tallhatchie County
Hwy 35 South
Paynes, MS

Name:

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or post office box number, city, state, ZIP)

Benji McKinney
Deputy Sheriff of Tallahatchie County
Tatum Pond Rd.
Charleston, MS 38921

Name:

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or post office box number, city, state, ZIP)

Melinda Morgan
Sheriff's friend
Mc Nulty Rd.
Oakland, MS 38948

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? ☐ Yes ☒ No

4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

A. Parties to the lawsuit:

Plaintiff(s):

Defendant(s):

N/A

B. Court:

C. Docket No.:

D. Judge's Name:

E. Date suit filed:

F. Date decided:

G. Result (affirmed, reversed, etc.):

5. Is there a prisoner grievance procedure or system in the place of your confinement? ☒ Yes ☐ No

6. If "Yes," did you present to the grievance system the same facts and issues you allege in this complaint? (See question 9, below). ☐ Yes ☒ No

7. If you checked "Yes" in Question 6, answer the following questions:

A. Does the grievance system place a limit on the time within which a grievance must be presented? ☐ Yes ☒ No

B. If you answered "Yes," did you file or present your grievance within the time limit allowed? ☒ Yes ☐ No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

I am not being held at or in Tallahatchie County. I was told to file this with the courts of Northern Mississippi. This is through the Inmate Legal Assistance Program (ILAP)

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

N/A

1. Continuation of Question 2

Steve Simmons
Hwy. 35 S.
Paynes, Ms.

Pete Griffen
Teasdale Rd.
Enid, Ms 38927

Special Note: Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

The case that I am presenting has nothing to do with (CMCF). This accident occurred before being sent here to Central Mississippi Correctional Facility. But I have been affect by the shuder that I describe in my case.

9. Write below, as briefly as possible, the facts of your case: Describe how each Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

Timothy (Tim) Cole was the deputy sheriff who was driving the Sheriff's Department truck when I was injured. This occurred on or around the 3rd week of January 2018 on I-55 somewhere between Wiana exit and Oakland exit. I was being transported to Tallahatchie County. While being transported Deputy Cole said, "that I raped and killed a judges wife and 2 kids. He also said, "that I was fixing to get three life sentences. That was all lies. I begged Deputy Cole to stop so I could urinate, after a couple hours he stops at a truckstop north of Jackson, Ms. He was stopping to get gas. He makes me stand in the middle of the parking lot to urinate. People were riding through the

parking lot hollaring and laughing. There were women and kids riding by. When we left the truckstop. He made a couple phone calls. Then he called a woman, he was talking like it was his

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

I am seeking to have adequate healthcare, have a full evaluation of my injuries by the proper specialists, any further surgeries performed, have my physical therapy so I can at least have a fair chance at walking again, and any supplies or medical needs met and paid for. I am also seeking compensation for my injuries in the amount of \$1,000,000. I am also seeking to be put in a facility where I am not going to be choked, beat, abused, dumped from wheelchairs, neglected of healthcare by guards, healthcare staff, or inmates because of slander do to me by Tallahatchie County Sheriff Department and it's Sheriff and Deputies. I also want a true and correct story of what happened told on social media, news, and newspapers around Mississippi and Memphis, TN. I am seeking slander damages in the amount of \$750,000. All persons involved in criminal acts against me prosecuted. I pray to God that no retaliation will be allowed against me. I was already retaliated against once for a letter and now just look at my injuries and quality of life. Seeking \$1,000,000 for pain and suffering.

This Complaint was executed at (location):

CMCF

and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date: 9-26-19

Roger W. Havens

Plaintiff's Signature

1. Continuations of Question 9
girlfriend or mistress. The last sign I saw before I went to sleep was Wionona exit. When I woke-up I was vomitting. My mouth was full of vomit so I could not speak. I tried to get his attention, but still on the phone ~~He~~ would not even pay me any attention. I reach over to the window button and pressed it the window started going down. At the same time as the window was going down, I got my head out of it. Vomit was already overflowing from my mouth. I felt the wind blowing very hard then. It felt like he tapped the brakes. In the blink of an eye I was gone out the window. Once we got back on the Interstate from the truckstop, he was driving at a ^{speed} of 97mph. he had the cruise control on. I remember the top of my head hit something. I felt and heard my neck break or crush. I heard a metallic sound and my body was thrown the opposite direction from the way it was traveling. Then I remember the feeling like I was tumbling or doing cartwheels.

Then I woke-up, but, it was like I was dreaming. except I felt pain. I had no idea where I was or what was going on. I was in some water and could not move.

2. Continuations of Question 9
It was dark and my mouth was full of water and I was starting to breath water up my nose. My body was settling or sinking in the mud and sand. I could not move though. I kept trying to move and was finally able to raise my thumbs up under my chin to get my nose out of the water. If had not been able to accomplish that I would have drown. I Thank-God my hands were already under my chin. This occurred in January, so it was cold and the water was freezing cold. When I was able to gain a little composer, I tried to crawl, but could not. My hands were still handcuffed and one shackle was still cuffed. My right arm and wrist were so severely broken, I could not even see the hand for the swelling. I could just see chain links going into my swollen arm. I could not lifted my head at all. I had long hair at the time, so that is how I lifted my head. I had to wrap my hand up in my hair. It was not easy to lift my head with broken arm, fingers, wrist, and still handcuffed. I had to try and push my body with one leg. I could not crawl. It was so hard to get up this creek bank. It was about 12 feet high. I rolled back down it numerous times just trying to get up it. I had to leave my pants in

3. Continuations of Question 9
the creek. The fence was about 20 yards from the creek bank. I was in so much pain. When I got to the top of the creek bank, I found a tree to rest against. It had two small trees by it that were a couple of feet apart. I was also freezing cold and soaking wet. I knew I had to try and move around a little or I was going to die. I used those two small trees as a way to help me to pull myself to my feet. Every so often I would pull myself up. It took every ounce of strength and grit to do it. Then I would wake-up laying on the ground. Then I pulled myself up and was trying to see where I was thrown through the fence. I felt myself getting dizzy. That's when I realized I was either passing out from pain or my broke neck was somehow cutting off blood flow to my brain. I woke-up on the ground again. That's when I came to the realization that I might not survive. So I had a long talk with God. Then I tried to find a way through the fence. I was able to see a spot where the strand of barb wire was broke at the bottom near the ground. I could not get down and get under the fence because

4. Continuations of Question 9
of my broke neck. I tried numerous times and could not do it. I had to hold my head up with my hand. There was a big water puddle and my head was going under water. I was trying to get under the fence, but when my neck would get angled enough to get under the fence it would paralyze my body and I could not go forward. I was in such severe pain I was still passing out. I knew it was impossible to climb over the fence with my injuries. I looked as far as I could see in the direction I had travel to. And there was no hole or gap in that direction at all. There was also a deep ditch to my left. I had no choice but to go back the direction I had traveled from. I had spent so much energy and endured much pain from trying to get under the fence that I had to get back to my resting tree. When I made it back to the tree I noticed I had scratched and struggle so much around this tree. I had cleared a 10 foot radius around it. There were no leaves, sticks, vines or anything left around it. There was concaved impression it the dirt. It looked exactly the way a wounded animal does. I rested and tried to get a few drops of water

5. Continuations of Question 9
off of the leaves. It rained the whole time I was out there and the temperature was just above freezing. My mouth was so dry my tongue was stuck to the roof of my mouth. I was still passing-out constantly. It could have been a number of things causing this to happen considering my injuries. After I rested I forced myself to go to my right side down the fence row. I had to go about 20-30 yds. before I could get close to the fence and even stand, a chance of being seen by a passing motorist. I was so discouraged by all these cars passing and nobody seeing me. I got to a place where the vines and brush were so thick I could not go any further. I had to find a tree to lay my back against so I could look for a way to navigate through the brush and vines. As I tried to get my back against the tree I heard hollaring. It was Steve Simmons and a few of his trustee's. Thank - God I was finally found. Mr. Simmons called an ambulance. Mr. Simmons said, They thought I was a deer on the side of the road at first. The ambulance

6. Continuations of Question 9
arrived and the paramedics got me on the stretcher. The trustee's and Mr. Simmons helped get me over the fence and to the ambulance. While the paramedics were trying to get me stabilized and warmed some, Deputy Cole shows up at the ambulance door. He got inside the ambulance and stands behind my head. He's halbring and talking bad to me. Deputy Cole even said, "I did not know you was gone until I got off the exit at Oakland, Ms. He put on a show in front of paramedics. He tried play like he did not know what happened, but he knew what he did. The paramedics had to make him leave me alone and they kept telling him we have got to go. They told him to get out of the ambulance. Then the ambulance driver said the news reporter was outside and he really did not want to get out then. He acted really mad then. He was standing over me like he was threatning me or trying to intimidate me in some kind of way. If those paramedics had not been there I don't know what he might have done to me. I told him

7. Continuations of Question 9
that I was vomiting and as I was letting the window down I had my hands on window button. I got my heads out the window and I had my hands under me, on the button and then he tapped the brakes. I could not stabilize myself at all with the handcuffs on. I ask him, "why did you tap the brakes?" Then he ask me, "why did I write that letter to them folks and tell on them?" Then he got out of ambulance and ^{went} right over to the news reporter and lied on me. He was trying to avoid getting in trouble at all costs. I know exactly what letter he was talking about. I wrote a letter to the Federal Law Enforcement in Oxford, Ms. back in 2016. I told them about some criminal activity that members of the Tallahatchie County Sheriff's Department were involved in. The letter was read out in court and I was exposed as the one who told on them. The judge and lawyers were not supposed to expose me. The Sheriff and Sheriff's Department have sought and got their revenge upon me. Now my life is ruined forever.


8. Continuations of Question 9

It was at least a day before I was found. I had a broke or crushed neck, broke arm, broke fingers, broke leg, bone broke in my feet, frost bite on my feet and toes, road rash covering my entire back and leg, I had tissue or muscle hanging out of my knee, no skin on the palms of my hands or knuckles. My whole body covered in cut, scrapes, and bruises. I was transported to Gretna Hospital. Then after they made for sure about my injuries they transported me to UMMC of Jackson, Ms. They had to take me by ambulance because of bad weather. They wanted to fly me because of the severity of my broke neck and injuries. I was in intensive care at UMMC for awhile. I am not quit sure how long though. They put me under for surgery on my arm and wrist and broke or crushed neck. They kept me, under a couple of days. They said they had to get some spine specialist flown in. After a couple weeks or so the hospital police and Tallahatchie County Deputy Benji McKinney showed up and he got me and brought back to Tallahatchie County. I could tell by the way I was being talked down ^{too} and ^{xrested} bad too somebody was talking bad and turning people

9. Continuations of Question 9
against me. I went through so much pain in the hospital.

Count 2.

On or about the 2nd week of February Deputy McKinney got me from the hospital in Jackson, Ms. Deputy McKinney was given my prescriptions and doctor orders. Prescriptions were for pain meds and not sure what all else. I know there were numerous prescriptions. I was transported to Tallahatchie County Jail in Charleston, Ms on the Courthouse Square. Deputy McKinney and the doctor told me I had prescriptions for pain medicine. When we got to the jail they had a trustee, and Deputy McKinney put me in a wheelchair and throw me in a bed in a cell. I was told my pain medication and other prescription would be filled in the morning. They never brought me any kind of prescription medication at all. I begged for help to the restroom, but nobody would help me. I could not even sit up on my own. I urinated on myself on numerous occasions. Then they put a 5-gallon bucket by the bed and told me to use the bathroom in it. I was made to

10. Continuations of Question 9
 lay in my own urine. I could not get anyone to help to the toilet to defecate. All I could do was ^{roll} on my side and try to urinate in the direction of the bucket. I was in really bad shape. I had wounds that were supposed to be changed at least twice a day, but nobody would take me to a doctor or hospital. They made me just lay there in agonizing pain. I begged for my pain medication. I am not sure exactly how many days it was, but one day this lady shows up and says she is a friend of the Sheriff. She says "she's gonna change my bandages. I told her about my medication she said she would get it. She changed my  bandages a couple of times, but never got my medication. My bandages were stuck and she was just ripping flesh off me with no pain medication of ^{any} kind remorse. Mr. Simmons came by to see how I was doing. I had been there awhile before he ever came. Mr. Simmons came back and brought me some clean clothes. He knew I wasn't being taken care of. I was in my own filth. I ask Mr. Simmons, could I speak to him alone. I told him nobody would even

R.W.H.
9-22-19

11. Continuation of Question 9
 help me to the toilet. My stomach was hurting so bad. It had been almost 2 weeks since I defecated. I was being threatened and intimidated by this trustee. So I did not want say anything in front of him. I was unable to defend myself in any kind of way. I even told this ^{lady} ~~see~~ tried to ignore me. I was at the mercy of everyone around me so I could stand up for myself. The only person who tried to act human and civil was Mr. Simmons. He got some of his trustee's to get ^{me} on the toilet. This trustee who was supposed to be helping me was threatening me. The ~~whole~~ time I was at the jail the sheriff never came and checked on me. I was never given a phone ^{call} or a visit, despite me constantly asking for a phone call or them to call my mother. They kept me from any contact with the free world because they were doing me wrong and knew I would get legal representation. It was at least 2 weeks before I was taken to court. Everyone I came in contact with acted mad and was

12. Continuations of Question 9
against me and I, had no idea why. People kept saying I did this to myself. I did not know what they were talking about. Then they brought me to Central Mississippi Correctional Facility. People, guards, nurses, and even inmates, said the same thing. So I start asking what they were talking about. That's when I found out how Tallahatchie County Sheriff's Department lied to the news and newspaper, about what happened. I was being neglected healthcare and being talked about like a dog by guards and nurses. They ^{said} I tried to escape that was a lie. I have been slandered so bad I can't even get adequate medical treatment. They said, "We seen you and heard about you on the television." My mother told me how ^{they} lied in the Charleston newspaper. My name, my family, my pride, and my life has been ruined by Tallahatchie County Sheriff's Department Forever. I pray for relief. I am still in a wheelchair because I am being denied surgeries and physical therapy.

13. Continuations of Question 9
Deputy Pete Griffen is the officer who transported me to court. That court was located in Sardis, Ms. The Panola County Deputies who helped get me out were even say I inflicted the injuries myself. The judge also said the same thing. He act mad and ^{said} I am not showing you any leanyancie at all. That was Judge Jimmy McClure. Nobody anywhere would listen to anything I had to say. They only talked down to me and teased and harassed me. Deputy McKinney is the one who transported me to CMCF. Before we left I ask him would he please get my property, but he wouldn't. He lied and said oh your coming back here that was complete lie. He knew he bring me to prison. They stole my property. I had \$120, some change, a cell phone, cell phone charger, 2 packs of cigarettes, a \$150 money gram money order, and a lighter. While waiting for Deputy McKinney to leave he allows Deputy to come out and harass, taunt, and no jokes about my injuries. He even gets out the shackles I had on when thrown from Deputy Cole's Sheriff's Truck. The side shackle that was broken from my leg would not cut

Timothy Cole
Benji McKinney
Melinda Morgan
Steve Simmons
Pete Griffen

I hereby invoke Pendent
jurisdiction on the defendants.

I hereby sue the above
named defendants in their
complicity under the color
of state and their individual
Complicity.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

Division

AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS

1. I swear or affirm under penalty of perjury as follows:

A. Because of my poverty, I cannot prepay or give security for the filing fees and costs for my complaint or appeal.

B. I believe I am entitled to legal redress.

C. I swear or affirm under penalty of perjury that my answers and responses on this Motion and Affidavit are true and correct. (28 USC § 1746; 18 USC § 1621).

Roger W. Havens
Movant's Signature

2. My full name and mailing address are as follows:

Name:

Roger Wayne Havens

Address:

Tel. No.

Date of Birth:

9-27-79

3. Are you presently employed? ☐ Yes ☒ No

a. If you checked "Yes," state the amount of your salary, wages, or other compensation per month and give the name and address of your employer.

b. If you checked "No," state the date of your last employment and the amount of the salary, wages, or other compensation you received per month.

Jan. 20/6
\$1,000

4. Have you received with the past 12 months any money from any of the following sources:

a. Business, profession, or form of self-employment?

☐ Yes

☒ No

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- b. Rent payments, interest, or dividends? ☐ Yes ☒ No
- c. Pensions, annuities, or life insurance payments? ☐ Yes ☒ No
- d. Gifts or inheritances? ☐ Yes ☒ No
- e. Any other source? ☐ Yes ☒ No

If the answer to any of the above is "Yes," describe each source of money and state the amount you received from each during the past 12 months:

N/A

5. Do you own any cash, or do you have any money in a checking or a savings account, including any funds in prison accounts? ☐ Yes ☒ No

If your answer "Yes," state the total value of the items owned:

\$ N/A

6. Do you own real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ No

If your answer "Yes," describe the property and state its approximate value:

\$ N/A

7. List the persons who rely on you for support.

Name	Relationship & Age	Amount you contribute to this person's support
N/A		\$
N/A		\$
N/A		\$

I declare or certify or verify or state under penalty of perjury that the foregoing is true and correct. (28 USC § 1746; 18 USC § 1621).

Date: 9-26-19

Roger W. Havens
Movant's Signature

THIS FORM IS TO BE COMPLETED BY THE PLAINTIFF/MOVANT

AUTHORIZATION FOR RELEASE OF INSTITUTIONAL ACCOUNT INFORMATION AND PAYMENT OF THE FILING FEE

I, Roger Havens MDOC # 207382 hereby direct

Movant's Name and Prison Register or Identification Number

and authorize the custodian of my inmate account to provide the Clerk of the United States District Court for the Northern District of Mississippi information from my prison inmate institutional account, including all balances, deposits, and withdrawals. The custodian of my inmate account may also provide the Clerk of Court information from the past 6 months and in the future until the full filing fee is paid. I also authorize custodian of my inmate account to withdraw funds from my account and to send the payments to the Clerk of Court, in accordance with 28 United States Code § 1915 (as amended).

Date:

9-26-19Roger W. Havens

Movant's Signature

CERTIFICATE

(Prisoner Accounts Only)

THIS FORM IS TO BE COMPLETED BY AN AUTHORIZED INSTITUTIONAL OFFICER

I certify that

Roger Havens MDOC # 207382

Movant's Name and Prison Register or Identification Number

is a prisoner confined at the following institution:

Central Mississippi
Correctional Facility

I certify that I am the institution's officer responsible for making certifications regarding prisoners' inmate accounts. I certify that as of the date appearing next to my signature at the bottom of this Certificate, the prisoner named above has the following sum of money on deposit in the inmate account records at this institution:

\$

I further certify that during the last 6 months this prisoner's average monthly balance in the inmate account records was:

\$

I further certify that during the last 6 months this prisoner's average monthly deposit in the inmate account records was:

\$

I further certify that the prisoner has the following securities to his credit:

Date:

Prison Inmate Account Officer's Signature

Mail this form to: Pro Se Law Clerk, U.S. District Court, Post Office Box 704, Aberdeen, Mississippi 39210